BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program.

Rulemaking 08-08-009 (Filed August 21, 2008)

Commerce Energy, Inc.

MARCH 2009 SEMI-ANNUAL COMPLIANCE REPORT PURSUANT TO THE CALIFORNIA RENEWABLES PORTFOLIO STANDARD

3-Mar-09

Name: Roberto Sosa Title: Consumer Affairs

Email: rsosa@commerceenergy.com

Phone: (714) 259-2536 Fax: (714) 481-6589

Address: 600 Anton Blvd. Suite 2000

Santa Ana, CA 92626

RPS Compliance Report: Summary

Commerce Energy, Inc.	2006
3-Mar-09	

RPS Summary Report	MWh	%
Prior Year California Retail Sales	759,407	
Annual Procurement Target (APT)	7,594	1.0%
California RPS-Eligible Procurement	0	0.0%
Annual Procurement Surplus/(Deficit)	(7,594)	
Adjusted Procurement Percentage*		0.8%

* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

RPS Eligible Procurement	MWh	%
Biomass	0	0.0%
Digester Gas	0	0.0%
Biodiesel	0	0.0%
Landfill Gas	0	0.0%
Muni Solid Waste	0	0.0%
Biopower Subtotal	0	0.0%
Geothermal	0	0.0%
Small Hydro	0	0.0%
Conduit Hydro	0	0.0%
Solar PV	0	0.0%
Solar Thermal	0	0.0%
Wind	0	0.0%
Ocean/Tidal	0	0.0%
Fuel Cells	0	0.0%
Total RPS Eligible Procurement	0	0.0%

Flexible Compliance	MWh
IPT Deferral	0
Earmarking	5,696
Banked Procurement Applied	0
Total Flexible Compliance	5,696

Deficits and Penalties	2006
Preliminary Procurement (Deficit)	(7,594)
Adjusted Annual Procurement Deficit	(1,899)
Adjusted Deficit Deferred	0
Potential Penalty	\$94,926
Current Penalty (with flexible compliance)	\$94,926

** Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

Check box (x) if LSE is including supplemental materials necessary for a full and complete report (include
attachments as needed).

Any supplemental materials should state each reason asserted in support of deferral or waiver of penalty, consistent with allowable reasons for non-compliance listed below. (D.03-12-065, D.03-06-071, D.06-05-010 and Public Utilities Code Section 399.14(a)(2)(C)(ii).)

[Insufficient response to RFO, Contracts already executed will provide future deliveries sufficient to satisfy current year deficits, Inadequate public goods funds to cover above-market costs, Seller non-performance, Lack of effective competition, Deferral promotes ratepayer interests and RPS objectives, Showing of good cause, Insufficient transmission]

If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in Earmarking Detail and Procurement Detail tabs.

RPS Compliance Report: Summary

Commerce Energy, Inc.	2007
3-Mar-09	

RPS Summary Report	MWh	%
Prior Year California Retail Sales	721,269	
Annual Procurement Target (APT)	14,807	2.1%
California RPS-Eligible Procurement	22,991	3.2%
Annual Procurement Surplus/(Deficit)	8,184	
Adjusted Procurement Percentage*		2.4%

* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

RPS Eligible Procurement	MWh	%
Biomass	0	0.0%
Digester Gas	0	0.0%
Biodiesel	0	0.0%
Landfill Gas	0	0.0%
Muni Solid Waste	0	0.0%
Biopower Subtotal	0	0.0%
Geothermal	22,991	100.0%
Small Hydro	0	0.0%
Conduit Hydro	0	0.0%
Solar PV	0	0.0%
Solar Thermal	0	0.0%
Wind	0	0.0%
Ocean/Tidal	0	0.0%
Fuel Cells	0	0.0%
Total RPS Eligible Procurement	22,991	100.0%

Flexible Compliance	MWh
IPT Deferral	0
Earmarking	0
Banked Procurement Applied	0
Total Flexible Compliance	0

Deficits and Penalties	2007	
Preliminary Procurement (Deficit)	0	
Adjusted Annual Procurement Deficit	0	
Adjusted Deficit Deferred	0	
Potential Penalty	\$0	
Current Penalty (with flexible compliance)	\$0	

** Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

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 If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in Earmarking Detail and Procurement Detail tabs.

RPS Compliance Report: Summary

Commerce Energy, Inc.	2008
3-Mar-09	

RPS Summary Report	MWh	%
Prior Year California Retail Sales	587,240	
Annual Procurement Target (APT)		3.5%
California RPS-Eligible Procurement		0.3%
Annual Procurement Surplus/(Deficit)		
Adjusted Procurement Percentage*		0.3%

* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

RPS Eligible Procurement	MWh	%
Biomass	0	0.0%
Digester Gas	0	0.0%
Biodiesel	0	0.0%
Landfill Gas		100.0%
Muni Solid Waste	0	0.0%
Biopower Subtotal		100.0%
Geothermal		1077.6%
Small Hydro	0	0.0%
Conduit Hydro	0	0.0%
Solar PV	0	0.0%
Solar Thermal	0	0.0%
Wind	0	0.0%
Ocean/Tidal	0	0.0%
Fuel Cells	0	0.0%
Total RPS Eligible Procurement		1177.6%

Flexible Compliance	MWh
IPT Deferral	0
Earmarking	0
Banked Procurement Applied	0
Total Flexible Compliance	0

Deficits and Penalties	2008
Preliminary Procurement (Deficit)	
Adjusted Annual Procurement Deficit	
Adjusted Deficit Deferred	0
Potential Penalty	
Current Penalty (with flexible compliance)	

** Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

Check box (x) if LSE is including supplemental materials necessary for a full and complete	report (include
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 If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in Earmarking Detail and Procurement Detail tabs.

RPS Compliance Report: Accounting

Commerce Energy, Inc. 3-Mar-09

Line#	RPS Baseline Calculation	(MIWh)
1	2001 Total CA Retail Sales	523,293
2	200 t CA RPS-Eligible Procurement	0
3	2005 Total CA Retail Sales	759,407
4	2005 Baseline Procurement Amount	0

Input Required Forecasted Deta Actual Data

_		Actual Actual Health Service Control of the Control							Forecast			
	RPS Procurement and Targets (MWh)	2003	2004	2005	2006	2007	2008	2009	2010	2011		
5	California Retail Sales	N/A	N/A	759,407	721,289	587,240						
6	California RPS-Eligible Procurement	N/A	N/A	0	0	22,991						
	Annual Procurement Target (APT)	N/A	N/A	0	7,594	14,807						
8	Incremental Procurement Target (IPT)	N/A	N/A	N/A	7.594	7.213						
9	Preliminary Procurement Surplus/(Deficit)	N/A	N/A	0	(7,594)	8,184						
10	APT Percentage	N/A	N/A_	N/A	1.0%	2.1%	3.5%	4.7%	20.0%	20.09		
11	Actual Procurement Percentage	N/A	N/A	0.0%	0.0%	3.2%	0.3%	0.0%	0.0%	0.0%		
12	Adjusted Procurement Percentage*	N/A	N/A	N/A	0.8%	2.4%	0.3%	0.0%	0.0%	0.0%		

		Actual Actual						Forecast			
	Flexible Compliance - IPT Deferral	2003	2004	2005	2006	2007	2008	2009	2010	2011	
13	Maximum Deficit Eligible for Deferral	N/A	N/A	N/A	7,594	0	3333	3555	2010	2011	
14	Deficit being Carried Forward to Year + 1	N/A	N/A	N/A	0	0	0	0	0	0	
15	Deficit being Carried Forward to Year + 2	N/A	N/A	N/A	0	0	0	0	0	0	
16	Deficit being Carried Forward to Year + 3	N/A	N/A	N/A	0	0	0	0	0	0	
17	Total Current Year Deficit Carried Forward	N/A	N/A	N/A	0	0	Ö	Ö	0	0	
18	Remaining Deficit from Year - 1 to Be Filled in Current Year	N/A	N/A	N/A	N/A	0	0	0	0	0	
19	Remaining Deficit from Year - 2 to Be Filled in Current Year	N/A	N/A	N/A	N/A	N/A	0	0	0	0	
20	Remaining Deficit from Year - 3 to Be Filled in Current Year	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0	
21	Total Prior Year IPT Deficits That Must Be Filled This Year	N/A	N/A	N/A	N/A	0	0	0	0	0	
22	Current Year Surplus Procurement Applied to Year - 1 Deficit	N/A	N/A	N/A	N/A	0	0	0	0	0	
23	Current Year Surplus Procurement Applied to Year - 2 Deficit	N/A	N/A	N/A	N/A	N/A	0	0	0	0	
24	Current Year Surplus Procurement Applied to Year - 3 Deficit	N/A	N/A	N/A	N/A	N/A	N/A	0	0	Ö	
25	Total Deliveries Applied to Prior Year IPT Deficits	N/A	N/A	N/A	N/A	0	0	0			

		PERSONAL PROPERTY ACTION ACTIO							Forecast			
	Flexible Comptiance - Earmarking	2003	2004	2005	2006	2007	2008	2009	2010	2011		
26	Portion of Current Year Deficit Eligible for Earmarking	N/A	N/A	N/A	5,696	0			2010			
27	Future Year Deliveries Earmarked from Year + 1	N/A	N/A	N/A	5,696	. 0	0	0	. 0	. 0		
28	Future Year Deliveries Earmarked from Year + 2	N/A	N/A	N/A	0	. 0	0	0	0	0		
29	Future Year Deliveries Earmarked from Year + 3	N/A	N/A	N/A	0	0	0	0	0	· · · · · · · · · · · · · · · · · · ·		
30	Total Projected Procurement Earmarked to Current Year	N/A	N/A	N/A	5,696	0	0	0	o o	0		
31	Current Year Deliveries Earmarked to Year - 1	N/A	N/A	N/A	N/A	5.896	0	0	0	1 0		
32	Current Year Deliveries Earmarked to Year - 2	N/A	N/A	N/A	N/A	N/A	0	0	0	0		
33	Current Year Deliveries Earmarked to Year - 3	N/A	N/A	N/A	N/A	! N/A	N/A	0	Ď	† O		
34	Total Deliveries Earmarked to Prior Year Earmerked Deficits	N/A	N/A	N/A	N/A	(5,696)	0	0	0	0		

	SHARE	Actual Actual Actual					Forecast		
Surplus Procurement Bank	2003	2004	2005	2006	2007	2008	2009	2010	2011
35 Surplus Procurement Bank Balance as of Prior Year	N/A	N/A	0	0	. 0		2000		2011
36 Application of Banked Surplus Procurement to Current	Year Deficit N/A	N/A							
37 Adjusted Current Year Annual Surplus Procurement	N/A	N/A	0	0	2.489				
38 Cumulative Surplus Procurement Bank Balance	N/A	N/A	0	0	2,489				

			The Artist Discount	Forecast						
Adjusted Deficit		2003	2004	2005	2006	2007	2008	2009	2010	2011
39 Adjusted Annual Procurement Defici		N/A	N/A	N/A	(1,899)	0				
40 Adjusted Deficit Deferred		N/A	N/A	N/A	0	0	0	0	0	0
41 Potential Penalty		N/A	N/A	N/A	\$94,928	\$0				
42 Current Penalty (with flexible comp	liance)	N/A	N/A	N/A	\$94,926	\$0				

Potential Penalty may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance

RPS Compilance Report: Earmarking Detail

Input Required Forecasted Data

Commerce Energy, Inc.

Actual Data

3-Mar-09

Amarked Generation (MWh) 2005 2006 2007 2008 2009 2010 2011				A	Forecast				
Contracted Generation 0 0 5,698 0 0 0 0 Withdrawel from Current Year 0	Total Annual Earmarked G	eneration (MWh)	2005	2006	2007	2008	2009	2010	2011
Allocated to Year - 1 N/A N/A 5,696 0 0 0 0 0 Allocated to Year - 2 N/A N/A N/A N/A 0 0 0 0 0		Contracted Generation	0	0	5,696	0	0	0	0
Allocated to Year - 2 N/A N/A N/A N/A 0 0 0 0		Withdrawal from Current Year	0	0	0	0	0	0	0
1 1011 1		Allocated to Year - 1	N/A	N/A	5,696	0	0	0	0
Allocated to Year - 3 N/A N/A N/A N/A O 0 0		Allocated to Year - 2	N/A	N/A	N/A	0	0	0	0
		Allocated to Year - 3	N/A	N/A	N/A	N/A	0	0	0
		Allocated to Year - 2	N/A	N/A	N/A	0 0 N/A	0 0 0		0 0
Withdrawal from Current tear 0 0 0 0 0 0 0 0		Allocated to Year - 1	N/A	N/A	5,696		D 44		

Calpine Geothermal Unit 20 (RPS Certif, #80009A)	Contracted Generation			5.696				
Eligible for 2006 deficit	Withdrawal from Current Year	١ ،		0,020	0	0	0	
	Allocated to Year - 1	N/A	N/A	5,696			,	
	Allocated to Year - 2	N/A	N/A	N/A				
	Allocated to Year - 3	N/A	N/A	N/A	N/A			(2000)
Contract Name	Contracted Generation	144	INVA.	INA	PWA	_		
Eligible for [YEAR] deficit	Withdrawal from Current Year		۱ ،	0	0	0		
England in [124] delick	Allocated to Year - 1	N/A	N/A			0	0	0
	Allocated to Year - 2	N/A	N/A	N/A				1
	Allocated to Year - 3	N/A	N/A	N/A	N/A			
Contract Name	Contracted Generation	- NVA	NVA	N/A	NVA			
Eligible for [YEAR] deficit	Withdrawal from Current Year	0	۰ ا	0			0	
	Allocated to Year - 1	N/A	N/A) "	· ·	0		0
	Allocated to Year - 2	N/A	N/A	N/A	0.00			
	Allocated to Year - 3	N/A	N/A	N/A	N/A			
Contract Name	Contracted Generation	NVA	N/A	N/A	N/A			
Eligible for [YEAR] deficit	Withdrawal from Current Year	0		0	0	0	0	
militare in free if anima	Allocated to Year - 1	N/A	N/A	,	ا ، ا	U	0	0
	Allocated to Year - 2	N/A	N/A	N/A	- 1		5 60	
	Allocated to Year - 3	N/A	N/A		N/A			
Contract Name	Contracted Generation	INVA	N/A	N/A	N/A			
Bigible for IYEAR) deficit	Withdrawal from Current Year		۱ ،		0	0		
regions for Expeditionary	Allocated to Year - 1	N/A	N/A	0		U	0	0
	Allocated to Year - 2	N/A	N/A	A114	1 1 1 1 1 1 1 1			
	Allocated to Year - 3	N/A N/A	N/A N/A	N/A N/A				
Contract Name	Contracted Generation	N/A	N/A	N/A	N/A			
Contract Name Eligible for (YEAR) deficit	Withdrawal from Current Year		٥	0				
	Allocated to Year - 1	N/A	N/A	0	0	0	0	0
	Allocated to Year - 2	N/A	N/A N/A	ALCA.				
	Allocated to Year - 3	N/A	N/A N/A	N/A				
Contract Name	Contracted Generation	N/A	N/A	N/A	N/A			
	Withdrawal from Current Year	,	ه ا				V	
Contract Name Eligible for [YEAR] deficit	Allocated to Year - 1			0	0	0	0	0
	Allocated to Year - 2	N/A	N/A					
	Allocated to Year - 2	N/A	N/A	N/A				
Contract Name	Contracted Generation	N/A	N/A	N/A	N/A			
Eigible for (YEAR) deficit	Withdrawal from Current Year							
algula for (1 cont) delicit	Allocated to Year - 1	I NA I	0 N/A	0	0	0	0	0
	Allocated to Year - 1							
		N/A	N/A	N/A				
Contract Name	Allocated to Year - 3 Contracted Generation	N/A	N/A	N/A	N/A			
Sigible for [YEAR] deficit	Withdrawal from Current Year		۱ .					
silferia in fuchout delicit		0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A					
	Allocated to Year - 2	N/A	N/A	N/A				
Contract Name	Allocated to Year - 3	N/A	N/A	N/A	N/A			
	Contracted Generation	1 _ 1	_	12 13/1				
Eligible for [YEAR] deficit	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A					
	Allocated to Year - 2	N/A	N/A	N/A				
	Allocated to Year - 3	N/A	N/A	N/A	N/A			

RPS Compliance Report: Procurement Detail

Input Require Forecasted D Commerce Energy. 3-Mar-09

			Actual	23 H 160	Personal HWh				
Property Summery	2003	2904	2995	2999	2007	2004	2909	2010	2011
Total RPS Eligible Procurement	. 0	0	0	0	22,991				
Existing and/or Signed Contracts	0	0	0	0	22,991				
Short-fisted/Under Negatistion/Pending Approval	0	0	. 0	0	0				
Generic Future Contracts	0	0	0	0	0				
Annual Contracting Quots Requirement	N/A	N/A	N/A	N/A	1,803	1,468	N/A	N/A	N/A
RP8 Contracts long-term and/or new facilities	N/A	N/A	N/A	N/A	1,605	0	0		
RPS Contracts: short-term with existing facilities	N/A	N/A	N/A	N/A	22,991				
Surplus Contracting Quota Bank as of Prior Year	N/A	N/A	N/A	N/A	0				
Current Year / Banked MWh Applied to Annual Quota	N/A	N/A	N/A	N/A	1.803				
Cumulative Surplus Contracting Quota Sank	N/A	N/A	N/A	N/A	2				
Minimum Armusi Contracting Quota Shortfall	N/A	N/A	N/A	N/A	1	1	N/A		

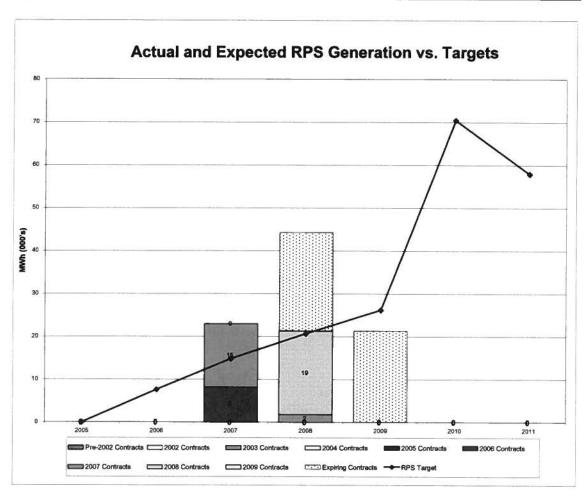
RPS-Elicible Procurement By Resource Type	2903	2994	2994	2000	2907	2999	2000	2010	2911
Biomess	0	0	0	0	0	0			
Digester Gas	0	0	0	0	0	0			
Biodiesel	0	0	0	0	9	Q			
Landill Geg	0	0	. 0	0	. 0				
Muni Solid Waste	0	0	0	0	0	0			
Biopower Subtotal	Q.	0	0	0	0				
Geothermal	0	0	0	0	22,991				
Small Hydro	0	0	0	0	0	0			
Conduit Hydro	0	9	_ 0	0	0	0			
Soler PV	0	. 0	0	0	0	0			
Solar Thermal	0	0	0	0	0	0			
Wind	0	0	0	0	0	0			
Qoean/Tidal	0	0	P	0	0	0			
Fuel Celle	0	0	0	0	0	0			

FOR CARS	· · · · · · · · · · · · · · · · · · ·	-			, v	0
						Contract States Facility States
Contract Datell	2002	2994	2006	2000	2007	2009. 2000. 2010. 2011.
Pre-2002 Contracts			0 0			
Biomass			0			
Digester Ges	0		0 0			
Biodissel			0 0			
Landfill Gae Muni Solid Waste			0 0			D
Geothermal	0		9 0			0
Small Hydro			0			0
Conduit Hydro	0		0 0			9
Solar PV			0 0	1		o l
Solar Thermal	0		0 0			0
Wind	0		0 0			9
Ocean/Tidal	0		0 0			D
Firel Cells			0 0			
2002 Contracts			0 0		1	
Contract Harris			00			
Contract Name	0	_	0 0			0
Contract Name	0		0 0	9		0
Contract Name Contract Name	. 0		0 0			0
2003 Contracts	. 0					
Contract Name	0	-	0 0			
Contract Harns	0	-	0 0			0
Contract Name			0 0			
Contract Name			0 0			0
Contract Name	0		0 0			0
2004 Contracts	0		0	1 0		
Contract Name	0		0 0			
Contract Name			0 0			0
Contract Name	0		0 0			0
Contract Name		1				0
Contract Name	9	_	9 9		4	0
2006 Contracts			2		1	Contract Status Feelity Status
Contract Name	0		0	0		0
Contract Name Contract Name	0		9			
Contract Harns	0				-	9
Contract Name	0			1 0	1	0
Contract Name			,		1	0
Contract Name	0		0			
2004 Contracts	0		0		8,184	4
Calcine Geothermal Unit 20 (RPS Centif. #8)	0	-	0	0	8.184	executed - no approval needed printing
Contract Name	9		0			0
Contract Name	. 0		0	0		D. C.
Contract Herre			0	0	1	9
Contract Hame	0		9	0	-	9
Contract Name	0		0			0
Contract Name				0		0
Contract Name	- 8	-		9		
Contract Name Contract Name	0		0		-	0
2007 Contracts	- 0			9	14,897	
Catoine Geothermal Unit 17 (RPS Certif, #6)	0			Ö	7,440	
Calpine Geothermal Lint 13 (RPS Certif.#60	. 0		0	ŏ		generated - no poperant medial griffine generated - no poperant medial griffine
Calcine Geothernal Unit 18 (RPS Centr. #80			0	0	1.700	www.dad - no approved needed graine
Calpine Geothernel Unit 18 (RPS Certif, #60 Calpine Geothernel Unit 12 (RPS Certif, #6		0	0	0	107	7 gostouted - no approved needed online
3 Phoses Renewables, LLC (RPS Certif, #6)	9			0		generated no approval grilling
Contract Name	. 0		0			0 gestouhed - no approvadi printes
Contract Name			. 0	0		0
Contract Name	0			0		9
Contract Name		9			9	0
Contract Name	0	- 9				
2006 Contracts Calcine Geothermal Unit (CC)	- 0	- 0				
Catoine Geothermal Unit (200	0			0		9 enecuted - no epotovel needed gaffing
Contract Harns		0		9	1	0 central de la control de la
Contract Name					1 2	
Contract Name					1	0
Contract Name						0
Contract Name		0	0			
Contract Name	0		0			
Contract Name						
Contract Name			0			
2000 Contracts Contract Name	0				- 9	
Contract Name		0		0	9	9
Contract Name	0	9	- 8	0		
Contract Name			Ö		1 2	
Contract Name	0			ö	0	
Contract Name		0		0		
Contract Name	0		0	0		
Contract Name	. 0	0		. 0		
Contract Name		. 0	0	9	0	
Contract Name	. 0				0	
Generic Puters Contracts	0				0	Police .
Generic Biomess						
Generic Digester Gas						
Generic Biodissel		0			0	
Generic Landfill Ges Generic Muni Solid Weste	0		0	- 0		
Generic Geothermal	- 9	- 0				
Service Service			- 0			
General Smell Hudro				- 8	- 8	
General Small Hydro		ő	0			
General Smell Hydro General Conduit Hydro					1 0	
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RPS Compliance Report: Performance Chart

Commerce Energy, Inc. 3-Mar-09

RPS Procurement and Targets (MWh)			Forecast MWh						
	2003	2004	2005	2006	2007	2008	2009	2010	2011
Total Retail Sales	N/A	N/A	759,407	721,269	587,240			4 4 2 4	
Actual RPS Procurement %	N/A	N/A	0.0%	0.0%	3.2%	0.3%	0.0%	0.0%	0.09
IPT	N/A	N/A	N/A	7,594	7,213				0.07
APT % (Baseline for 2003)	N/A	N/A	N/A	1.0%	2.1%	3.5%	4.7%	20.0%	20.09
APT as MWh Amount	N/A	N/A	0	7.594	14,807	100	Bally - Inter		
Preliminary Surplus/(Deficit)	N/A	N/A	0	(7,594)	8,184				



OFFICER VERIFICATION FORM

I am an officer of the reporting corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true. The spreadsheet format used to file this compliance report has not [head] been altered from the version issued or approved by Energy Division [head] with the alterations described in this report].

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 1, 2009 at Costa Mesa, California.

John Bomgardner, Senior Vice President and General Counsel